



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: SEPTEMBER 30, 2022

IN THE MATTER OF:

Appeal Board No. 624140

PRESENT: GERALDINE A. REILLY, MEMBER

In Appeal Board Nos. 624139 and 624140, the Appeal Board, on its motion pursuant to Labor Law § 620 (3), has reopened and reconsidered the Judge's

decisions, filed May 12, 2022, which overruled the initial determinations holding the claimant ineligible to receive benefits, effective September 7, 2020 through September 13, 2020, and September 28, 2020 through October 4, 2020, on the basis that the claimant failed to certify for the benefit period within the seven-day period for such certification. The Judge did not rule on the initial determinations holding the claimant ineligible to receive benefits, effective September 14, 2020 through September 20, 2020, and October 5, 2020 through January 3, 2021, on the basis that the claimant did not comply with registration requirements.

At the combined hearing before the Administrative Law Judge, all parties were accorded a full opportunity to be heard and testimony was taken. There was an appearance on behalf of the claimant.

Our review of the record reveals that the case should be remanded to hold a hearing. Due to an error, the initial determinations of ineligibility due to not complying with registration requirements were not contained in Judge's file. The Judge did not rule on these determinations. A further hearing is needed for testimony and evidence on this issue. As a decision on this issue may impact the issue of ineligibility due to not complying with certification requirements, the parties should also have another opportunity to submit additional testimony and other evidence on the latter issue.

Now, based on all of the foregoing, it is

ORDERED, that the decisions of the Administrative Law Judge be, and the same hereby are, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issues, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and, so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render new decisions, on the issues, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

GERALDINE A. REILLY, MEMBER